

1984 S.C. Op. Atty. Gen. 249 (S.C.A.G.), 1984 S.C. Op. Atty. Gen. No. 84-107, 1984 WL 159914

Office of the Attorney General

State of South Carolina

Opinion No. 84-107

August 29, 1984

\*1 The Honorable Clyde M. Dangerfield  
Chairman  
Roads Committee  
Charleston County Legislative Delegation  
Post Office Box 487  
Charleston, South Carolina 29402

Dear Representative Dangerfield:

You have requested the opinion of this Office as to whether the Town of Sullivan's Island must give its approval before the South Carolina Department of Highways and Public Transportation (Highway Department) may install a traffic signal at the intersection of Middle Street and Station 22 ½ in Sullivan's Island. I assume that such intersection is a part of the State highway system.

It is my understanding that traffic bound for the beaches of Sullivan's Island and the Isle of Palms must all travel on state highway 703 through the Town of Mount Pleasant. As a result, traffic conditions in Sullivan's Island directly affect traffic flow within the Town of Mount Pleasant, both from the standpoint of traffic congestion and traffic safety.

By your letter, you indicate that at one time there was a traffic signal at the intersection of Middle Street and Station 22 ½; however, it was removed at the request of Sullivan's Island. Apparently, residents of the Town of Mount Pleasant Favor the return of the signal; however, the Highway Department feels it needs the approval of Sullivan's Island in order to restore the Signal. It is also apparent that the Town Council of Sullivan's Island opposes the replacement of the traffic signal.

[Section 56-5-930, Code of Laws of South Carolina](#), 1976, states that:

‘(t)he . . . (Highway) . . . Department may place and maintain such traffic-control devices, conforming to its manual and specifications, upon all State highways as it shall deem necessary to indicate and to carry out the provisions of this chapter or to regulate, warn or guide traffic. No local authority shall place or maintain any traffic-control devices upon any State highway without having first obtained the written approval of the Department.’

Such statute makes no provision for any approval by a municipality of the placement of a traffic-control device on a State highway within such municipality. [Section 56-5-540, Code of Laws of South Carolina](#), 1976, defines ‘traffic-control devices’ as ‘(a)ll signs, signals, markings and devices . . . placed . . . for the purpose of regulating, warning or guiding traffic . . .’ As defined in [Section 56-5-550, Code of Laws of South Carolina](#), 1976, a ‘traffic-control signal’ as referenced in your letter should be considered as being within the definition of a ‘traffic-control device.’

Referencing [Section 56-5-930](#), *supra*, it appears that the placement of a traffic signal at the intersection of Middle Street and Sullivan's Island is a matter solely within the discretion of the Highway Department. If there are any questions concerning the above, please contact me.

Sincerely,

Charles H. Richardson

Assistant Attorney General

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